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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)

NO. CR 2009-01854

Silas Cleveland)
Winnebago, Nebraska,)

SETTLEMENT ORDER

Class III Employee.)
_____)

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HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

This Settlement Order is entered into between the Washington State Gambling Commission and the certified employee, Silas Cleveland. H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney represents the Gambling Commission. The certified employee is representing himself.

I.

The Washington State Gambling Commission issued Silas Cleveland the following Class III Employee certification:¹

- Number 69-30573, authorizing Class III Employee Activity, for the Yakama Nation.

The certification expires on October 12, 2010, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Yakama Nation Tribal-State Compact.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Yakama Nation Tribal-State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the Class III employee, on February 1, 2010. The Class III employee received the Notice, and on February 24, 2010, Commission staff received Mr. Cleveland's request for a hearing.

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¹ Class III Employee certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

The certified employee failed to disclose on his application for certification that his gaming license had been suspended by the Winnebago Gaming Commission.

The certified employee violated RCW 9.46.153. Therefore, under RCW 9.46.075(1), (3), (7) and (8), and WAC 230-03-085(1), and (8), grounds exist to revoke Silas Cleveland's certification.

RCW 9.46.075(1), (3), (7), and (8) Suspending or revoking license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085(1), and (8) Suspending or revoking license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (8) Poses a threat to the effective regulation of gaming as demonstrated through prior activities, reputation or habits.

RCW 9.46.153(1)

- (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

Mr. Cleveland requested a hearing in this matter, but has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Silas Cleveland shall surrender his Class III certification. **The signed Settlement Order and Mr. Cleveland's certification license must be received by Commission staff on or before March 26, 2010**, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

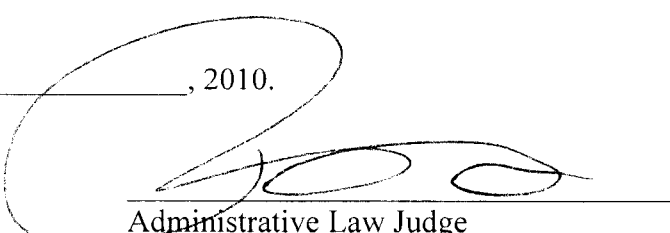
Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Third Floor
Attention: Communications and Legal Division
Lacey, WA 98503

2) In the event Mr. Cleveland applies for a certification or gambling license, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made to Mr. Cleveland that he will receive a certification or license from the Commission should he apply.


3) Mr. Cleveland shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Mr. Cleveland from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.


DATED this 22nd (20) day of April, 2010.


Administrative Law Judge

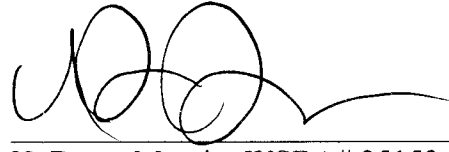
By his signature, the Class III employee
Understands and accepts the terms
and conditions of this Order

APPROVED FOR ENTRY:

 4/6/10
Silas Cleveland
(Class III employee) Date

 4/19/10
Brenda Bono, WSBA# 29956
Staff Attorney,
Washington State Gambling Commission

APPROVED AS TO FORM:


H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission